

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

UNITED STATES OF AMERICA)	Case No.: 3:21-CR-00525-MGL
)	
v.)	
)	
JEFFREY ALAN BENJAMIN)	
)	

UNITED STATES' MOTION TO SEAL

NOW COMES the United States, by and through its undersigned counsel, and hereby moves this Court to seal the forthcoming Government's Renewed Motion to Disqualify Counsel and attached exhibits. On November 12, 2020, the United States filed an ex parte motion to disqualify the Defendant Jeffrey A. Benjamin's ("Benjamin") attorney, Mr. Bill Sullivan, and his law firm from participating in the ongoing grand jury investigation. 3:20-mc-00504-MGL. Thereafter, at the Court's direction, the United States redacted, filed, and served its ex parte motion on Mr. Sullivan. *See In re: Matter Occurring Before Grand Jury 3*, 3:20-mc-00504-MGL (*SEALED*). On December 22, 2020, the United States filed a motion to withdraw its motion to disqualify Mr. Sullivan and his law firm. *Id.* at Dkt. No. 10. However, in the motion to withdraw, the United States outlined that Mr. Sullivan's continued representation of Benjamin could present additional conflicts under SCRPC 1.9 and therefore reserved its right to raise the arguments contained within the motion to disqualify or any related issues at a later date. *Id.* The proceedings remain under seal.

The Government now renews its motion to disqualify Mr. Sullivan and his law firm and hereby requests to file the motion under seal so that it may discuss freely the prior proceedings. The prior proceedings were filed before the Court under seal during the course of a Grand Jury investigation that culminated in Benjamin's indictment. Because the public interest in open proceedings is no longer outweighed by the Government's need to maintain the secrecy of those

proceedings, the Government does not oppose lifting the seal on both the prior motion in redacted form and this renewed motion. The Government does, however, request that the Court unseal only the redacted version of the prior motion for disqualification because the redactions reference grand jury testimony. Moreover, the Government requests that the Court keep Exhibit 8 of the prior filings sealed to maintain the secrecy of the grand jury testimony. Last, the Government requests that the Court seal Exhibits 11, 12, 14a and 14b to this renewed motion as they include FBI reports of interview that contain information that may potentially interfere with witness testimony. While the Government requests that Exhibits 11, 12, 14a, and 14b remain under seal on the docket, we do intend to provide those exhibits to opposing counsel.

CONCLUSION

For these reasons, the Government respectfully moves the Court to direct the sealing of the Government's Renewed Motion to Disqualify Counsel and attached exhibits until such time as the Court deems it appropriate to unseal the related prior motion in redacted form, except that the Government requests that Exhibit 8 of the original motion, as well as Exhibits 11, 12, 14a and 14b of the renewed motion remain under seal.

Respectfully submitted,

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